

Message Text

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ACTION IO-14

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COME-00 EB-08 FRB-01 INR-10 NSAE-00 TRSE-00
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OIC-02 HA-05 H-02 SS-15 HEW-06 /148 W
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UNCLAS SECTION 01 OF 03 GENEVA 11760

E.O. 11652: N/A
TAGS: OCON, ECOSOC, EGEN
SUBJECT: 1978 SUMMER ECOSOC - ITEM 7, DRAFT RESOLUTION
ON MIGRATORY LABOR IN SOUTH AFRICA

1. THERE FOLLOWS BELOW THE FULL TEXT OF A DRAFT RESOLUTION
ON MIGRATORY LABOR IN SOUTHERN AFRICAN SUBMITTED BY
AFRICAN MEMBER AND OBSERVER DELEGATIONS AT ECOSOC, TOGETHER
WITH TEXT OF CHARTER OF RIGHTS FOR MIGRANT WORKERS IN
SOUTHERN AFRICA, ADOPTED ON 7 APRIL 1978 AT A CONFERENCE
ON THAT SUBJECT HELD IN LUSAKA, ZAMBIA. OPERATIVE PARA
ONE OF TEXT ENDORSES THIS CHARTER.

2. ACTION ON THIS DRAFT IS POSSIBLE AS EARLY AS WEDNESDAY,
AUGUST 2. DELEGATION WILL SUPPORT DRAFT
UNLESS INSTRUCTED OTHERWISE.

3. BEGIN TEXT: THE ECONOMIC AND SOCIAL COUNCIL

RECOMMENDS TO THE GENERAL ASSEMBLY THE ADOPTION OF THE
FOLLOWING DRAFT RESOLUTION:

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"THE GENERAL ASSEMBLY,

"RECALLING ITS RESOLUTION 32/105 ENTITLED 'POLICIES OF
APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA',

"RECALLING FURTHER ECONOMIC AND SOCIAL COUNCIL RESOLUTION
2082 B(LXII) OF 13 MAY 1977 IN WHICH THE COUNCIL

RECOMMENDED THAT THE GENERAL ASSEMBLY SHOULD DECLARE 1978
AS THE INTERNATIONAL ANTI-APARTHEID YEAR,

"NOTING WITH SATISFACTION THAT THE YEAR BEGINNING ON 21
MARCH 1978 HAS BEEN PROCLAIMED INTERNATIONAL ANTI-
APARTHEID YEAR,

"BEARING IN MIND THE PROPOSED PROGRAMME FOR THE INTERNATION-
AL ANTI-APARTHEID YEAR,

"RECALLING ALSO THE RESOLUTIONS ON ACCELERATED ECONOMIC
DEVELOPMENT AND INTERNATIONAL ACTION ON THE PROMOTION
OF DEVELOPMENT STRATEGIES WITH A VIEW TO REDUCING
ECONOMIC DEPENDENCE ON SOUTH AFRICA AND THE
CHARTER OF RIGHTS FOR MIGRANT WORKERS IN SOUTHERN AFRICA
WHICH WERE ADOPTED BY THE CONFERENCE ON MIGRATORY LABOUR
IN SOUTHERN AFRICA WHICH WAS HELD AT LUSAKA, ZAMBIA, FROM
4 TO 8 APRIL 1978 AND ORGANIZED BY THE ECONOMIC COMMISSION
FOR AFRICA (ECA) AND THE INTERNATIONAL LABOUR ORGANIZATION
(ILO) IN CO-OPERATION WITH THE GOVERNMENT OF ZAMBIA AND
LIBERATION MOVEMENTS OF SOUTHERN AFRICA THAT ARE RECOGNIZED
BY THE ORGANIZATION OF AFRICAN UNITY,

"AWARE OF THE HEAVY DEPENDENCE OF BOTSWANA, LESOTHO,
SWAZILAND, MALAWI, MOZAMBIQUE AND NAMIBIA ON THEIR SUPPLY
OF MIGRANT LABOUR TO SOUTH AFRICA AND OF THE NEED TO
ELIMINATE SUCH UNDESIRABLE DEPENDENCE,
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"CONVINCED THAT THE CONTINUANCE OF THE SYSTEM OF
MIGRANT LABOUR TO SOUTH AFRICA BOTH PERPETUATES THE EVILS
OF APARTHEID AND RETARDS THE SOCIAL AND ECONOMIC ADVANCE-
MENT OF THE STATES SUPPLYING MIGRANT LABOUR,

"CONVINCED ALSO THAT THE REMOVAL OF THIS EVIL SYSTEM OF
MIGRANT LABOUR WOULD FACILITATE THE ELIMINATION OF
APARTHEID AND ACCELERATE THE SOCIO-ECONOMIC DEVELOPMENT
AND TRANSFORMATION OF THE SUPPLIER STATES,

"REALIZING THAT THE WEAK POSITION OF THE SUPPLIER STATES TO
TAKE ACTION INDIVIDUALLY WITH A VIEW TO EXTRICATING THEIR
DEPENDENT ECONOMIES AND THEIR MIGRANT NATIONALS FROM THE
STRANGLEHOLD OF APARTHEID AND THE ECONOMY OF THE REPUBLIC
OF SOUTH AFRICA CALLS FOR URGENT CONCERTED ACTION AND
CO-OPERATION AMONG THE AFFECTED MEMBER STATES AS WELL
AS ASSISTANCE FROM OTHER AFRICAN STATES, INTERNATIONAL
ORGANIZATIONS, NON-AFRICAN GOVERNMENTS AND OTHER
ORGANIZATIONS,

"1. ENDORSES THE CHARTER OF RIGHTS FOR MIGRANT WORKERS

IN SOUTHERN AFRICA AS ADOPTED BY THE LUSAKA CONFERENCE
ON MIGRATORY LABOUR ON 7 APRIL ON 7 APRIL 1978, AND
ANNEXED TO THIS RESOLUTION;

"2. URGES ALL MEMBER STATES OF THE UNITED NATIONS
AND ALL ORGANIZATIONS OF THE UNITED NATIONS SYSTEM,
AND OTHER INTERNATIONAL ORGANIZATIONS, PURSUANT TO THE
DECLARATION FOR ACTION AGAINST APARTHEID ADOPTED BY THE
WORLD CONFERENCE FOR ACTION AGAINST APARTHEID HELD AT
LAGOS FROM 22 TO 26 AUGUST 1977, TO EXTEND TO THE
AFRICAN STATES AFFECTED BY THE MIGRATION OF LABOUR TO THE
REPUBLIC OF SOUTH AFRICA ALL MATERIAL, FINAN-
CIAL, TECHNICAL AND POLITICAL SUPPORT FOR THE INITIATION

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AND IMPLEMENTATION OF SPECIFIC DEVELOPMENT PROGRAMMES
AND PROJECTS AIMED AT ENABLING THOSE STATES TO UTILIZE
FULLY THEIR AVAILABLE LABOUR FORCE FOR THE
DEVELOPMENT OF THEIR OWN ECONOMIES AND THEREBY ELIMINATE
THE NECESSITY TO EXPORT SUCH LABOUR TO THE
APARTHEID ECONOMY OF SOUTH AFRICA."

ANNEX: CHARTER OF RIGHTS FOR MIGRANT WORKERS IN SOUTHERN
AFRICA
WE THE REPRESENTATIVES OF THE STATES AND PEOPLES OF SOUTHERN
AFRICA,

NOTING THAT APARTHEID HAS BEEN DECLARED A CRIME AGAINST
HUMANITY BY THE UNITED NATIONS GENERAL ASSEMBLY,

NOTING THE WORK DONE BY THE INTERNATIONAL LABOUR ORGANIZATION ON THE PROBLEMS OF MIGRATORY LABOUR IN SOUTHERN AFRICA AND RECALLING INTERNATIONAL LABOUR ORGANIZATION CONVENTIONS NO. 87 OF 9 JULY 1948 AND NOS. 97 AND 98 OF 1 JULY 1949 CONCERNING, RESPECTIVELY, THE FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANIZE, MIGRATION FOR EMPLOYMENT AND THE APPLICATION OF THE PRINCIPLES OF THE RIGHT TO ORGANIZE AND TO BARGAIN COLLECTIVELY,

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RECOGNIZING THAT THE MIGRATORY LABOUR SYSTEM IS ONE OF THE MAJOR INSTRUMENTS OF APARTHEID,

MINDFUL OF THE GROSS INDIGNITIES IT INFLECTS ON WORKERS, WHO ARE DENIED MANY OF THEIR BASIC HUMAN RIGHTS,

NOTING THAT IT UNDERMINES FAMILY LIFE AND DISRUPTS AGRARIAN ECONOMIES,

HEREBY PLEDGE OURSELVES TO STRIVE FOR THE ABOLITION OF THE MIGRATORY LABOUR SYSTEM PRACTICED IN SOUTH AFRICA AND, PENDING ITS ELIMINATION, AGREE TO THE PRESENT CHARTER OF RIGHTS FOR MIGRANT WORKERS IN SOUTHERN AFRICA.

CHAPTER I - RIGHTS OF ASSOCIATION, MOVEMENT AND RESIDENCE

ARTICLE I

ALL WORKERS SHALL HAVE THE RIGHT TO:

(A) FORM AND JOIN TRADE UNIONS OF THEIR OWN CHOICE;

(B) PARTICIPATE IN COLLECTIVE BARGAINING ON EQUAL TERMS WITH ALL OTHER WORKERS REGARDLESS OF RACE, SEX, POLITICAL AFFILIATION OR RELIGION;

(C) WITHHOLD THEIR LABOUR BY STRIKE ACTION IN SUPPORT OF THEIR DEMANDS.

ARTICLE 2

ALL WORKERS SHALL HAVE THE RIGHT TO FREEDOM OF MOVEMENT

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AND SHALL NOT BE REQUIRED TO CARRY A PASS OR SIMILAR DOCUMENT.

ARTICLE 3

ALL WORKERS SHALL HAVE THE RIGHT TO BE ACCOMODATED NEAR
THEIR PLACE OF WORK WITH THEIR FAMILIES IN SUITABLE HOUSES
UNDER HOME OWNERSHIP SCHEMES OR TO RESIDE ELSEWHERE IF
THEY CHOOSE SO TO DO.

ARTICLE 4

ALL WORKERS SHALL HAVE THE RIGHT OF OCCUPATION FREE FROM
COLOUR BAR, JOB RESERVATION AND ALL OTHER FORMS OF
DISCRIMINATION.

ARTICLE 5

EVERY WORKER REGARDLESS OF RACE OR SEX, SHALL HAVE THE RIGHT
TO WORK, CHOOSE HIS OCCUPATION, AND CHANGE FROM ONE
EMPLOYER TO ANOTHER WITHOUT LOSS OF ACCRUED
BENEFITS AND CLAIMS TO PROMOTION.

ARTICLE 6

ALL WORKERS, WITHOUT EXCEPTION, SHALL HAVE THE
RIGHT TO EQUAL PAY FOR EQUAL WORK.

ARTICLE 7

ALL WORKERS SHALL HAVE EQUAL RIGHTS TO VOCATIONAL
TRAINING AND ADULT EDUCATION FOR THE PURPOSE OF ACQUIRING
SKILLS AND INCREASING THEIR AWARENESS.

CHAPTER II - RIGHT TO A DECENT STANDARD OF LIVING

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ARTICLE 8

EVERY WORKER IS ENTITLED TO A MINIMUM BASIC WAGE SUFFICIENT FOR THE MAINTENANCE OF THE HEALTH AND WELL BEING OF HIS FAMILY.

ARTICLE 9

ALL WORKERS SHALL HAVE THE RIGHT TO ADEQUATE PROTECTION AGAINST OCCUPATIONAL ACCIDENTS AND DISEASES BY MEANS OF APPROVED SAFEGUARDS AND CLOSE SUPERVISION BY AN INDEPENDENT INDUSTRIAL AND FARMING INSPECTORATE OPERATING IN CONJUNCTION WITH WORKER'S REPRESENTATIVES.

ARTICLE 10

ALL WORKERS AND THEIR FAMILIES SHALL HAVE AN EQUAL AND ABSOLUTE RIGHT TO ADEQUATE, IMMEDIATE AND EFFECTIVE COMPENSATION FOR DEATH OR DISABILITY ARISING OUT OF OCCUPATIONAL DISEASES AND ACCIDENTS.

ARTICLE 11

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ALL WORKERS SHALL HAVE A RIGHT TO:

- (A) FREE MEDICAL SERVICES FOR THEMSELVES AND THEIR FAMILIES;
- (B) SICK LEAVE AND, WHERE APPLICABLE, MATERNITY LEAVE WITH FULL PAY;
- (C) ANNUAL PAID HOLIDAYS.

ARTICLE 12

ALL WORKERS SHALL BE ENTITLED TO RETIRE ON FULL PENSION OR WITH A GRATUITY PROPORTIONATE TO THEIR PERIOD OF SERVICE.

ARTICLE 13

ALL WORKERS SHALL HAVE A RIGHT TO DETERMINE, THEIR TERMS AND CONDITIONS OF EMPLOYMENT THROUGH COLLECTIVE BARGAINING.

ARTICLE 14

ALL WORKERS SHALL HAVE A RIGHT TO UNEMPLOYMENT BENEFITS.

ARTICLE

ALL WOMEN WORKERS SHALL HAVE THE RIGHT TO PARTICIPATE
IN ALL SECTORS OF THE ECONOMY WIHTOUT DISCRIMINA-
TION IN RESPECT OF WAGES, TRAINING, JOB ALLOCATION OR
PENSION BENEFITS.

ADOPTED BY THE CONFERENCE ON MIGRATORY LABOUR IN SOUTHERN
AFRICA, AT LUSAKA, ZAMBIA, ON 7 APRIL 1978.
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Message Attributes

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